REGISTER OF CLASSIFICATION DECISIONS

Title of Publication: This Is Not A Swastika, Nor Is It A Walters

Other Known Title: Not Stated

Format: Artwork

Artist: Wayne Youle

Producer/Publisher: Not Applicable

Country of Origin: New Zealand

Language: English

Classification: Unrestricted.

Descriptive Note: Not Applicable

Display Conditions: Not Applicable

Date of entry in Register: 21 April 2005

Date of direction to issue a label: Not Applicable

Applicant: Derek Lessware

Applicant to the Labelling Body: Not Applicable

OFLC No: 500338

Unexcised version of publication: Not Applicable

	Components	Running time
Menu:		
Feature:		
Other timed components:		
Total running time:		

Excisions: Not Applicable

Reasons for excisions:

Not Applicable

Summary of reasons
for classification:

The artwork entitled *This Is Not A Swastika, Nor Is It A Walters* is classified as: Unrestricted.

The artwork, by Wayne Youle, comprises six individual pieces made from powder-coated steel. They each form shapes much like a swastika, though they differ in that each of their four ends form koru-like "bulbs". The artwork was submitted to the Office of Film and Literature Classification (Classification Office) under s13(1)(c) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act), by a member of the public.

The publication indirectly deals with matters of horror, crime, cruelty and violence, in that it comprises modified symbols which combine the swastika form with a traditional Maori form, the koru. The swastika represents the extreme horrors of the Nazi regime for many people. However, in this instance, the symbol is not used in this way, and does not promote the ideas of Nazism. The fusion of the two symbols used together is intended to illustrate the manner in which symbols may be appropriated to take on new meanings.

For some viewing this artwork, the use of the modified swastika is offensive and potentially distressing. However, as the artwork is most likely to be viewed as part of an exhibition, the viewer must make a conscious decision to view the piece, and is not likely to be inadvertently exposed to it. An adult or teenager will have access to information which will warn them in advance of the content of the artwork, and in the context of an exhibition, will most likely be supplied with a written explanation as to the meaning of the piece. Younger persons are unlikely to be injured by viewing this artwork as it is formed from symbols which will have little significance to a child. A person of an age to make a connection between the modified swastika symbol and its historical connections with Nazism would most likely also be of an age to place this within the context provided by the gallery setting.

The Classification Office has taken into account the New Zealand Bill of Rights Act 1990 (NZBR Act) when making this decision. While it is acknowledged that persons may be offended or distressed by viewing this artwork, the NZBR Act states that everyone has the freedom to seek, receive, and impart information and opinions of any kind in any form. Under s5 of the NZBR Act, this freedom is subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society. To restrict the availability of this publication would not be a reasonable limitation.